

GARY M. RESTAINO
United States Attorney
District of Arizona
D. MATTHEW CONTI
Arizona State Bar No. 021719
Assistant U.S. Attorney
Two Renaissance Square
40 N. Central Ave., Suite 1800
Phoenix, Arizona 85004
Telephone: 602-514-7500
Email: David.Conti@usdoj.gov
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Cynthia Solano,

Defendant.

CR-23-00408-001-PHX-GMS

**UNITED STATES' SENTENCING
MEMORANDUM**

The United States of America submits this memorandum in support of sentencing in this case. The United States requests that the court accept the plea agreement and sentence the Defendant to 87 months in the Bureau of Prisons and three years of supervised release.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTS

In May 2022, Canadian law enforcement officers working with the Toronto Police Service (“TPS”) executed search warrants at multiple locations in the Toronto, Ontario metropolitan area as part of an investigation into firearms trafficking. TPS searched multiple locations and recovered 62 firearms. At one of the search locations, TPS found eight semi-automatic rifles and 51 handguns.

TPS provided serial numbers associated with the firearms to the Bureau of Alcohol,

1 Tobacco, Firearms and Explosives (“ATF”). ATF traced the serial numbers associated
2 with the 62 firearms and learned that 59 of them were last known to be purchased by people
3 in Arizona.¹ ATF’s firearm tracing also provides the number of days which had passed
4 between the date the firearms were recovered (May 28, 2022) and the date the firearms
5 were purchased. This time is commonly referred to as the “time to crime.” Based on a
6 more recent review, the time to crime of the firearms recovered by TPS ranged between
7 twelve to 5,000 days.

8 ATF investigators subsequently began interviewing some of the individuals who
9 purchased the firearms in Arizona. All of those interviewed admitted that they had sold
10 their firearms (as opposed to having been stolen). But through those interviews and
11 additional investigative efforts, ATF identified the Defendant, Cynthia Solano, as someone
12 who may have been involved in the trafficking of those firearms.

13 **Defendant’s Arrest**

14 On January 3, 2023, Illinois State Police (“ISP”) Trooper B. Heaton observed a blue
15 Chevrolet Tahoe SUV with a temporary registration driving on the highway with an
16 obstructed front windshield near Springfield, Illinois. The Tahoe pulled over to the side of
17 the road before Trooper Heaton got behind it. Then he pulled behind the stopped Tahoe
18 and saw that the temporary tag was unreadable.

19 The Defendant got out of the Tahoe before the Trooper approached and walked
20 around the car as if she was checking the tires. Trooper Heaton approached and saw
21 Defendant’s son in the car. Defendant gave Trooper Heaton her Arizona driver’s license
22 and told him that she was the registered owner. He asked her where she was traveling. She
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25 ¹ ATF reviews ATF Form 4473 – Firearms Transaction Record, which is filled in
26 by the Federal Firearms Licensee and signed by the firearm purchase on the date of sale.
27 Form 4473 includes the make, model, and serial number of the firearm as well as the
28 purchaser’s name, biographical information, and residential address.

1 first stated Chicago and corrected herself and said Detroit. The Defendant said she has to
2 go through Chicago to get to Detroit. During the encounter, she appeared extremely
3 nervous to Trooper Heaton. He observed her breathing was labored and her carotid artery
4 appeared to be pulsing through her neck very fast.

5 Trooper Heaton asked the Defendant if there was anything illegal in the vehicle, and
6 she stated no. ISP Sgt. Canine Handler S. Ent arrived on scene and had his dog sniff the
7 Tahoe. The dog alerted so Trooper Heaton explained to the Defendant that they were going
8 to search the vehicle. The Defendant told the officers that all the bags and suitcases in the
9 vehicle were hers. The trunk was searched, and the officers found five suitcases packed
10 with small packages wrapped in Christmas wrapping paper. The officers opened the
11 packages and found 87 pistols. Two of the guns were previously reported stolen, a Kimber,
12 K6S, .357 and Glock, 43, .9mm. Additionally, a Glock .45 cal. pistol had an auto-switch,
13 which allows a pistol to fire automatically without successively pulling the trigger.

14 ISP Troopers took custody of all firearms. The Defendant said that she didn't know
15 there was luggage located in her vehicle and denied knowing about the guns. Trooper
16 Heaton also found two cellular phones and an Apple tablet in the vehicle. The Defendant
17 admitted the grey iPhone with a flowery case was hers. The other phone was her son's.

18 ISP interviewed the Defendant and her son and recorded the interviews. During her
19 first interview, she said that "they" loaded the suitcases into her car. She vigorously denied
20 knowing what was in the suitcases. At one point during the recording, the officer's walked
21 away and she spoke with her son. When she spoke with him, she told him not to talk to
22 the police and to tell them that they are going to Chicago to see "the Bean."

23 During her second interview, the Defendant began by continuing to deny knowing
24 that there were firearms in her vehicle. She also denied knowing what a "switch" or "Glock
25 switch" was. After approximately 1:50:00 into the interview and after they told her she
26 was going to jail, she said that "they" threatened her to do it and told her that they could
27 track her car.

1 quick and get some.²
2 Defendant's Friend: I have extra I'll bring some
3 Defendant's Friend: Ur first message cut out but it sounds like you didn't
4 leave yet
5 Defendant: I'll leave tomorrow I had to deal with a money thing.
6 [. . .]
7 Defendant: This is what I told these [f...ers] to do this since last
8 [f...ing] week and now we're having all these issues and
9 I already lost the whole day.
10 Defendant's Friend: U still don't got the money
11 Defendant: wait until abeam finds out. He will be super [f...ing]
12 [p...ed] because we already programmed everybody for
13 a particular day and now we're gonna have to cancel
14 because I'm not gonna make it in three days. It's a
15 holiday. I'm not trying to speed because there's cops
16 everywhere."
17 Defendant's Friend: hes gonna freak the [f...] out.
18 Defendant: I honestly don't even wanna answer the call when it
19 comes in because I've been telling these guys to get on
20 this since last [f...ing] week and I lied to him yesterday
21 and told him that I had left but I'm just gonna tell him I
22 had to come back, cause some issues with the money
23 but he's gonna be [p..ed].
24 Defendant's Friend: it is not your fault they [f...ed] up.

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26
27 ² As noted above, the firearms recovered by ISP were wrapped like Christmas
28 presents.

1 Defendant: nope its their issue and they don't understand that I line
2 up everything so lissue is a domino effect.
3 Defendant's Friend: Well with NYE being today it's prob more safe if u
4 leave tomorrow.
5 Defendant: I cant I wont make it. So its gonna be till next week.
6 Cause they dropped the ball. Again. I swear I cant wait
7 to [Defendant's son] is a few years older. Ill send him
8 out there. I wont deal with this. They waiting till last
9 min
10 [. . .]
11 Defendant: Got it, but Im leave tomorrow.
12 Defendant's Friend: ok girl. Glad you got it !!!
13 **January 1, 2023 –**
14 Defendant: I'm gonna leave sunny with the money for the rent
15 tomorrow when you get here can you go pay it for me
16 please? I'm gonna takeoff because he's losing his mind.
17 He's super [f...ing] [p...sed].
18 Defendant's Friend: yes no problem
19 Defendant: left \$2320
20 Defendant's Friend: drive safe [f...] those mfs
21 Defendant: He is mad, looks like all niters. But ill get it done. Im
22 going to have the send you the money through Ari in
23 Walmart. It's an international money service they all
24 they gotta say medical emergency. Works just like
25 Western Union or MoneyGram.
26 Defendant's Friend: holy [c...] that's a lot of driving be safe.
27 Defendant: but were not flagged I will. Ill be fine. Ill have my
28 glasses ill be fine. Ill just dress warm.

1 Defendant's Friend: Ok sounds good I'll go get it tomorrow or whenever it's
2 ready

3 **January 2, 2023 –**

4 Defendant: someone is going to cash app her \$1400 when you get
5 it I want you to sell it to me.

6 Defendant's Friend: ok ill send it once it comes through.

7 [. . .]

8 Defendant: in Tusla

9 Defendant's Friend: That's what I like to hear!!!!

10 In addition to the warrant for the Solano's phone, ATF-Phoenix obtained a warrant
11 for the historical cellular site data for Solano's phone. The data was consistent with
12 Solano's travel from Phoenix to Illinois during this time frame.

13 The search of the phone that Defendant claimed was her son's provided much more
14 evidence of her activities before her arrest on January 3, 2023. A brief synopsis of the
15 evidence obtained from his phone included:

- 16 - Photographs of firearms;
- 17 - Photographs of Toronto police vehicles and Toronto police at crime scenes;
- 18 - Picture of Scarborough (Ontario) Shooting Stars;
- 19 - Screenshot of Google search for time in Toronto on January 3, 2023, at 2:37 PM;
- 20 - Photographs of the six individuals arrested during Canadian "Project Barbell"
- 21 investigation;³
- 22 - Screenshot of a Canadian Dollar to United States Dollar conversion;
- 23 - Firearm sized items wrapped in bubble wrap in a plastic bin;
- 24 - Firearm sized items wrapped in Christmas wrapping paper; and

25
26
27 ³ Project Barbell is the name of the TPS investigation which led to the seizures in
28 May 2022.

1 - Numerous videos depicting firearms.

2 The videos depicting firearms contained strong evidence of the Defendant's
3 connection to the firearms seized in the Tahoe. In the videos, the hands and legs of a
4 woman are captured handling the guns with additional firearms in the background (pictured
5 below). The female is wearing gloves, has tattoos on her legs, and speaks throughout many
6 of the videos. In one video, she states, "some of these [b....es] have switches," an obvious
7 reference to the conversion device seized on January 3, 2023. In another video, she
8 references "her people's" involvement in her activity and describes the steps she takes to
9 make the firearms more difficult to track. Finally, on another video another person is seen
10 in the background wearing gloves. Based on the agents' familiarity with the Defendant
11 and her son, they believe she's the woman in the video and her minor son is the person in
12 the background. Additionally, the videos are in good enough quality that the serial
13 numbers on the handguns can be seen. The agents matched those serial numbers to some
14 of the handguns recovered on January 3, 2023. The videos were saved to this phone on
15 December 27, 2022.

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Search Warrant at the Defendant's Residence

On February 21, 2023, ATF executed a federal search warrant for the Defendant's Tempe, Arizona residence. During the search, investigators found numerous items related to the Defendant's criminal activities. Specifically, ATF investigators recovered a high-speed bill counting machine, financial receipts for transactions which have been identified during the ongoing financial investigation, and paper records that included the phone numbers of suspected gun sellers and possible firearm ledgers. They also saw the rug which is pictured in the background of the videos described above.

Financial Investigation of Defendant

ATF and Internal Revenue Service investigators reviewed financial records related to the Defendant's receipt of funds from suspected Canadian-based associates. Through reviewing the financial records, investigators learned that the Defendant received proceeds

1 from the illegal sale of firearms to purchase additional firearms for the criminal
2 organization. The records revealed the Defendant received the firearm sales proceeds into
3 her Bank of America account or had the proceeds wired to other associates to conceal her
4 involvement in the illegal activity between March 21, 2022 and January 9, 2023. During
5 this time frame, the Defendant was involved in the concealment of no less than \$89,997.00
6 of illicit proceeds.

7 **Defendant's Post-Arrest Flight**

8 On April 14, 2023, the Defendant appeared for her initial appearance and
9 arraignment. ECF 12. On April, 27, 2023, the Defendant was released from custody and
10 placed on home Detention. ECF 18, p. 3. In that order, she was prohibited from traveling
11 out of the United States without prior court approval. *Id.* p. 2.

12 On July 29, 2023, Pretrial Services received an alert notification that the Defendant
13 removed her electronic monitor. ECF 31. Pretrial Services responded to Defendant's
14 residence and were unable to contact her. *Id.*

15 In November 2023, the Defendant was apprehended in Mexico and deported to the
16 United States.

17 **II. PLEA AGREEMENT**

18 The Defendant pleaded guilty to Count 1 (Possession of a Machinegun) and Count
19 2 (Conspiracy to Commit Money Laundering) of the Information. The parties stipulated
20 that the Defendant's sentence shall not exceed 87 months, that the offense involved more
21 than 25 but less than 99 firearms under U.S.S.G. §2K2.1(b)(1)(B), that the laundered funds
22 involved in the offense was more than \$40,000 but less than \$95,000, that the Defendant
23 was an average participant, that the Defendant willfully attempted to obstruct or impede
24 the administration of justice with respect to prosecution related to this conviction under
25 U.S.S.G. §3C1.1, and that Defendant's sentences shall be run concurrently. The
26 government also agreed to dismiss Count 1 of the Indictment.

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III. PRESENTENCE INVESTIGATION REPORT

The Sentencing Guidelines range is the “starting point and the initial benchmark” for all sentencing proceedings and should be “kept in mind throughout the process.” *United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008) (en banc) (citations omitted). The Sentencing Guidelines range is not presumed to be reasonable, but instead is only one of the § 3553(a) factors to be considered by the Court. *Id.*

Probation calculates the Defendant’s base offense level at 32. (PSR ¶ 23.) Two levels were added because the Defendant was convicted under 18 U.S.C. § 1956 under U.S.S.G. §2S1.1(b)(2)(B). (PSR ¶ 24.) Two additional levels were added because the Defendant obstructed justice under U.S.S.G. §3C1.1. (PSR ¶ 24.) After these calculations, probation calculates the Defendant’s offense level at 36, criminal history category (CHC) I (188 months – 235 months). (PSR ¶ 57.) The statutory maximum penalty from Count 1 is 120 months. *Id.* Probation recommends a sentence of 120 months to be followed by three years of supervised release. (PSR p. 33.) Probation’s recommended sentence requires the Court to reject the plea agreement.

The United States agrees with the calculations in the PSR. However, the United States requests that the Court accept the plea agreement and sentence the Defendant to 87 months imprisonment. The government also requests that the Defendant receive three years of supervised release after completing her prison sentence.

IV. ANALYSIS OF SENTENCING FACTORS AND RECOMMENDATION

A. History and Characteristics of the Defendant

The Defendant is 40 years old. (PSR at 4.) She does not have any prior arrests or convictions and, therefore, has a total criminal history score of zero. (PSR ¶ 35.) The Defendant’s relationship status is unclear from the information obtained by the presentence report writer. (PSR ¶ 44-46.) Yet it is clear that the Defendant has four minor children. (PSR ¶ 44.) Her education history is also unclear, but it is believed that she has a high school diploma. (PSR ¶¶ 46, 51 & 52.) For employment, the Defendant was employed by QuikTrip prior to her involvement in this case. (PSR ¶ 54.)

1 The Defendant has a back injury which requires treatment and reports that she
2 suffers from anxiety or depression. (PSR ¶¶ 48-49.) The Defendant obtained her medical
3 marijuana card but claims that she has only used the drug five times in two years. (PSR
4 ¶ 50.) She denies drinking alcohol or using any other illicit substances. *Id.*

5 **B. The Nature and Circumstances of the Offense**

6 The guns that can be attributed to the Defendant place her at offense level 18, which
7 is increased to offense level 36 after upward adjustments. As discussed above, the
8 Defendant's involvement in this international criminal organization's distribution of guns
9 was significant. Her assistance to the group became clear to ATF after Canadian law
10 enforcement alerted them to the guns recovered in Canada and the guns were traced back
11 to Arizona. The evidence indicates that the Defendant was courier and facilitator working
12 for others within this firearm trafficking organization. Based on this, it's the United States'
13 view that the Defendant was an average participant of this organization.

14 **C. The Need for Adequate Deterrence**

15 Title 18, United States Code, Section 3553(a) expressly provides for the court to
16 consider general deterrence in making its sentencing determination. Section 3553(a)(2)(B)
17 states that "[t]he court, in determining the particular sentence to be imposed, shall consider
18 the need for the sentence imposed to afford adequate deterrence to criminal conduct."

19 Based on the evidence, the Defendant was involved in an international criminal
20 organization which was headed by traffickers in Canada. The Defendant's role appears to
21 have been limited to obtaining and delivering firearms for the organization. She facilitated
22 their activity because she was a United States citizen capable of lawfully obtaining
23 firearms.

24 Based on the Defendant's role in the organization and her criminal history, the
25 government requests a sentence below the final adjusted guidelines and below the
26 sentencing cap. The government makes this request because after she fled, she admitted
27 her involvement, accepted responsibility, and entered a plea agreement. It's the
28 government's view that an 87-month sentence sends a message to the Defendant and other

1 firearm traffickers who assist others in the illegal distribution of firearms that they will be
2 held responsible for their involvement in this, that this is a serious offense, and that their
3 involvement with firearm trafficking makes them a danger to the community.

4 **D. Not Create Unwarranted Disparity Among Defendants**

5 The Defendant is being held responsible for the illegal activity she was involved in
6 over a one-year period. She is only one who has been prosecuted in the United States
7 related to this Canadian-based organization's activities.

8 After balancing the Defendant's lack of criminal history and her role in the offense,
9 the United States respectfully requests an 87-month sentence. The government also
10 requests three years of supervised release. The requested sentence accounts for the firearms
11 that were seized, her involvement in her receipt of the organization's illicit proceeds, her
12 role in the firearm trafficking organization, and the danger that she represents to the
13 community because of her participation in the instant offense.

14 **V. Conclusion**

15 For the above reasons, the United States respectfully requests an 87-month sentence.
16 The government also requests three years of supervised release.

17 Respectfully submitted this 21st day of January, 2025.

18
19 GARY M. RESTAINO
20 United States Attorney
District of Arizona

21 s/D. Matthew Conti
22 D. MATTHEW CONTI
23 Assistant U.S. Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of January, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant:

Matthew F. Leathers
Attorney for the Defendant

s/I. Trevizo
U.S. Attorney's Office